

REPRESENTATION

For the Traders in the Native Commodities of the Kingdom and Retailers of foreign Commodities, bought from Free-men, Burgeses of Royal-Burghs.

WHereas the saids Traders and Retailers are daily troubled and distressed, at the instance of the Royal Burrows, and Mr. *John Buchan* their Agent, for relieving the Royal Burrows of a Proportion of their fixt part of the Cess of the Kingdom, and which is alledged to be imposed on the said Traders and Retailers, by the Act of Parliament 1693, *For Communication of Trade*; in so far as the said Act prohibites and discharges any Trade whatsoever without an Agreement with Mr. *John Buchan*.

It is now represented to his Grace and the honourable Estates of Parliament, that these Words in the Act can only be extended to the Trade which Mr. *Buchan* by his agreement was to communicate; For the Act being a Ratification of a Contract betwixt the Burrows and their Agent: By which Contract it was agreed, that Mr. *Buchan* should communicate the Trade then peculiar to the Burghs, to be thereafter practised by all who should agree. As that Contract did no ways impare, nor derogate from the proper uncontraverted Right of the haill Inhabitants of the Kingdom to exercise their several Trades, and to buy and sell the native Commodities of the Kingdom, and retail Foreign Commodities bought from Free-men Burgeses of Royal Burghs, secured to them by several Acts of Parliament, particularly 1672, 1690, which rescind all former Laws inconsistent therewith, So the Act ratifying the said Contract, is of no further extent, and is so far from rescinding these former Laws, either expressly, or by Consequence, that it Relates to, confirms, and ordains the same to be put in Execution: And therefore it is clear as the Sun, that no person can be lyable to *Buchans* Exactions but these who either accepted of the Communication, or incroached upon the Trade secured to the Royal Burghs.

And to evince to your Grace and Lordships, that the Burghs and Mr. *Buchan* understood nothing else by the Act of Parliament 1693: (whatsoever they now pretend) there was an Act offered to the parliament 1695. by *Buchan* for putting anecessity upon the Inhabitants of the Kingdom to accept of the said Communication, and to discharge all who did not accept to use any Trade; and for that effect to rescind the former Laws: Which Act after it had past the Committee of Trade upon a Representation given in against the same, shewing the Inconveniency thereof, was withdrawn
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by *Buchan* and never again offered, and of which Act there is herewith a double put in the Clerks hands : So that it is unquestionably plain, that the parliament never intended to infringe the priviledge of Trading in the native Commodities, and Retailing what was bought from Burgeses of Royal Burghs But meerly to discharge any unfree person to exerce the Trade secured to the Burrows, unless they first agreed, and if they pleased to forbear using that Trade, there was no necessity put upon them to accept the Communication.

As to the Burghs of Barrony & Regality who accept of a Communication, there is no reason these should be lyable for so much as a Tenth Part of the Burrows Cess. For 1. These Accepters have not the sixtieth Part of the Trade of the Burghs. 2. Their Heretage and Possessions are also valued, and a Cess payed with the rest of the Shire, conform to their Valuation, where-as there is no Valuation of the Rents of the Tenements, Houses, Yards and Aikers belonging to the Burrows; And in effect the Cess payable by the Burrows, tho its pretended to be for their Trade, is no more but a *quota* effiring to what they would be obliged to pay if they were valued, and whatever Agreement Mr. *Buchan* made with the Burrows for relieving them of a tenth part of their Taxt-roll, yet the Countrey can be no farder lyable to him than as they agreed for the Communication or practised the Trade proper for him to Communicat.

And for preventing of all further Debate and Expenses in this matter, it is humbly proposed, that the Act explanatory of the foresaid Act for Communication which was given in and read last Session of Parliament, and since that time been still on the Table, may be now past with such Alterations as shall be thought reasonable.